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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 09-70015 EDL
Plaintiff,)	
v.)	STIPULATION AND PROPOSED ORDER
VINCENT MERTES,)	CHANGING DATE FOR ARRAIGNMENT
Defendant.)	AND EXCLUDING TIME UNDER FED. R.
)	CRIM. P. 5.1 and 18 U.S.C. § 3161
)	Current Arraignment Date: July 17, 2009
)	Proposed Arraignment Date: August 21, 2009

On June 11, 2009, the parties in this case requested via written stipulation, and the Court agreed, to set the date for the defendant's preliminary hearing or arraignment on July 17, 2009. The parties now request that the Court change the date for the defendant's preliminary hearing or arraignment to August 21, 2009. The parties also request that pursuant to Federal Rule of Criminal Procedure ("FRCP") 5.1(d), the time limits set forth in FRCP 5.1(c) be extended through August 21, 2009. The parties agree that, taking into account the public interest in prompt disposition of criminal cases, good cause exists for this extension.

FILED
JUL 10 2009
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

The defendant also agrees to exclude for this period of time any time limits applicable under 18 U.S.C. § 3161. The parties represented that granting the continuance was the reasonable time necessary for effective preparation of defense counsel. 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agreed that the ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: July 9, 2009

/s/
TAREK J. HELOU
Assistant United States Attorney


DATED: July 9, 2009

/s/
ANTHONY BRASS
Attorney for VINCENT MERTES

For the reasons stated above, the Court finds that the extension of time for the defendant's preliminary hearing or arraignment through August 21, 2009 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A); FED. R. CRIM. P. 5.1(d). The failure to grant the requested continuance would deny the defendant effective preparation of counsel, and would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(iv).

SO ORDERED.

DATED: 7/10/09


THE HONORABLE EDWARD M. CHEN
United States Magistrate Judge